

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUSTIN M. HICKOX,

Plaintiff,

v.

CITY OF BONNEY LAKE,

Defendant.

CASE NO. C14-5605 BHS

ORDER DENYING PLAINTIFF'S
MOTION TO PROCEED IN
FORMA PAUPERIS

This matter comes before the Court on Plaintiff Justin Hickox's motion to proceed in forma pauperis (Dkt. 1).

On July 28, 2014, Hickox filed the instant motion and a proposed complaint alleging false arrest and malicious prosecution. Dkt. 1.

The district court may permit indigent litigants to proceed in forma pauperis upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the "privilege of pleading in forma pauperis . . . in civil actions for damages should be allowed only in exceptional circumstances." *Wilborn v. Escalderon*, 789 F.2d 1328 (9th Cir. 1986). Moreover, the court has broad discretion in denying an application to proceed

1 in forma pauperis. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375
2 U.S. 845 (1963).

3 In this civil action for damages, Hickox has failed to show that exceptional
4 circumstances exist to grant his motion. Hickox's claims are based on the allegations that
5 (1) an officer failed to verify an out-of-state warrant before arresting Hickox and (2) the
6 prosecutor failed to discontinue the prosecution of a traffic infraction before a hearing on
7 the merits of the infraction. Dkt. 1. Such actions, if true, would most likely not support
8 claims for false arrest or malicious prosecution. Therefore, the Court concludes that
9 Hickox has failed to meet his burden to proceed in forma pauperis.

10 If the Clerk does not receive the filing fee for this action before August 15, 2014,
11 Hickox's complaint will be **DISMISSED without prejudice** and the Clerk shall close
12 this case.

13 Dated this 31st day of July, 2014.

14
15 

16 BENJAMIN H. SETTLE
17 United States District Judge
18
19
20
21
22